IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.Rev.Pet.No. 364 of 2007(A)

CRA.624/2003 of III ADDL.SESSIONS COURT, ERNAKULAM
CC.1897/1999 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED

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1. KRISHNAKUMAR, KAMALALAYAM,EROOR P.O, TRIPUNITHURA, ERNAKULAM DISTRICT.

2. SANKARA NARAYANAN, (DEAD) -DO-

BY ADV. SRI.JOSE ABRAHAM

RESPONDENTS: RESPONDENTS/RESPONDENTS/COMPLAINANT

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1. SAHINA, W/O.JAMALUDDIN,KIZHAKKEPARAMBIL HOUSE, FISHERIES COLONY, MADAVANA,PANANGAD P.O, ERNAKULAM DISTRICT.

2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY ADV. SRI.ANIL THOMAS (MELEMALAYIL) R1

BY PUBLIC PROSECUTOR SHRI KAMMAPPU R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 364 OF 2007

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Dated this the 5th day of February, 2007

O R D E R

Heard. Admitted. Advocate Shri Anil Thomas took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.1897 of 1999 on the file of the Additional Chief Judicial Magistrate, Ernakulam. Petitioner filed Crl. Appeal No.624 of 2003 before the Sessions Court, Ernakulam. Learned Sessions Judge confirmed the conviction, but modified the sentence. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1107 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007